IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4510 oF 2005

M/s. Triton Synthetics
Fibres & Ors. ..Applicant

Vs.

The State of Maharashtra
and Anr. ..Respondents

...

Mr.Ganesh Gole Advocate for Applicant
Mr.Rajesh More A.P.P. for State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 31,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai in C.C.No.835/S/2004. In the said case process was issued against the applicant under Section 138 r.w.

141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court,

the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]